

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

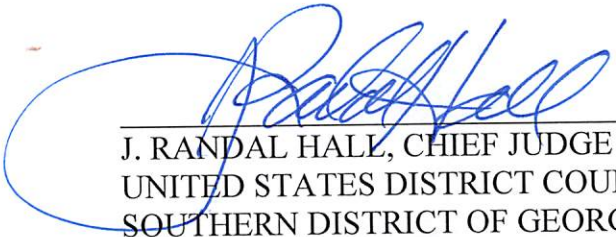
ROBERT DAVID GILLESPIE, SR.,)	
)	
Plaintiff,)	
)	
v.)	CV 122-128
)	
LT. S. YOUNG; DEPUTY MOSLEY;)	
MISS CRYSTIE JAMES, Head Nurse;)	
MISS SAINT, Nurse; SHERIFF CLAY)	
WHITTLE; CORRECT HEALTH;)	
MR. TONY HOWARD, II; DR. SMITH;)	
JOSEPH GREENE; MISS LYNN WITT;)	
S. SARG; DEPUTY SMITH; DEPUTY)	
MILLER; and MACK TAYLOR,)	
)	
Defendants.)	

ORDER

After a careful, *de novo* review of the file, the Court concurs in part with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. While Plaintiff did not file objections, on April 12, 2023, he untimely moved to file a second amended complaint to provide the name Defendant S. Sarg. (Doc. no. 29.) On April 17, 2023, the Magistrate Judge granted the motion, ordered Plaintiff to file a second amended complaint within fourteen days, and cautioned should he fail to do so, the March 27, 2023 Report and Recommendation dismissing Defendant S. Sarg. would be submitted to the undersigned based on the factual allegations in the first amended complaint. (Doc. no. 31.) Plaintiff did not submit a second amended complaint.

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion and **DISMISSES** Defendants James, Saint, Whittle, Correct Health, Howard, Dr. Smith, Greene, Witt, S. Sarg., and Taylor, as well as Plaintiff's official capacity monetary damages claims against all Defendants. This case shall proceed against Defendants Young, Mosley, Miller, and Deputy Smith based on Plaintiff's allegations of use of excessive force as described in the Magistrate Judge's March 26th Order.

SO ORDERED this 15th day of May, 2023, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA